

HON. STEVEN J. STONE (RET.)  
(CA SBN 32343)  
cdoll@jamsadr.com  
HON. JOHN K. TROTTER (RET.)  
(CA SBN 33051)  
cdoll@jamsadr.com  
JAMS  
500 N. State College Blvd.  
Suite 1400  
Orange, CA 92868  
Telephone: (714) 937-8211  
Fax: (714) 939-0867

SPECIAL MASTERS

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

This document relates to:  
ALL CASES

Case No: 8:10 ML 02151 JVS(FMOx)

**DISCOVERY MATTER**

**RULINGS RE: (1) PLAINTIFFS'  
MOTION TO COMPEL *IN*  
CAMERA REVIEW OF  
DOCUMENTS THAT TOYOTA IS  
WITHHOLDING ON THE BASIS  
OF ALLEGED PRIVILEGE OR  
WORK PRODUCT PROTECTION,  
AND (2) DEPOSITIONS OF  
TOYOTA ENTITIES AND THEIR  
EMPLOYEES**

Hearing Date: February 1, 2012

Time: 10:00 a.m.

Location: JAMS, 500 N. State College  
Blvd., 14<sup>th</sup> Floor, Orange, CA 92868

**I. PLAINTIFFS' FIRST MOTION TO COMPEL IN CAMERA REVIEW OF DOCUMENTS THAT TOYOTA IS WITHHOLDING ON THE BASIS OF ALLEGED PRIVILEGE OR WORK PRODUCT PROTECTION**

Plaintiffs filed their First Motion to Compel *in camera* review of Documents that Toyota is Withholding on the Basis of Alleged Privilege or Work Product Protection on December 30, 2011 (Docket No. 2098). Defendants filed their Points and Authorities in Opposition and related documents on January 20, 2012 (Docket No.2153). Plaintiffs filed their Reply on February 3, 2012 (Docket No. 2201). (Lodged with Special Masters on January 27, 2012.)

A hearing was held on this motion on February 1, 2012 at JAMS, Orange County.

**FINDINGS AND ORDER**

On or before Tuesday, February 7, 2012 plaintiffs shall identify 50 documents from each of the three categories set forth in their motion (150 total), and shall submit to defendants a list of the 150 documents including the Bates number for each document.

Between February 7 and February 24, the parties shall "meet and confer" and attempt to reduce the number of documents that need to be reviewed by the Special Masters.

On or before Friday, February 24, 2012, defendants shall provide to the Special Masters unredacted copies of all documents that the Special Masters are to review *in camera*.




1 rule that the depositions of Taiichi Meguro and Hisako Jitsumori be taken in Japan during  
2 this week in April, 2012.

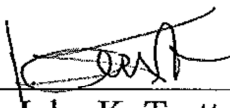
3 The Special Masters find that plaintiffs have met their preliminary burden to show  
4 that Makoto Kimijima, Koji Sakakibara and Kazutoshi Kunishima are managing agents  
5 of the Toyota defendants for purposes of taking their depositions in this litigation in  
6 California. This is a "close call" as described in the published cases.

7 When weighing the various issues presented by this motion regarding the location  
8 for deposing the remaining three deponents (Makoto Kimijima, Koji Sakakibara and  
9 Kazutoshi Kunishima), the Special Masters feel that that the weight of authority supports  
10 taking the depositions in California where the Special Masters are available, authorized,  
11 and able to resolve discovery disputes when they arise. The restrictions by Japanese law  
12 and regulations on depositions taken in Japan are highly onerous, particularly the  
13 inability to involve the Masters in the deposition. The convenience of most individuals  
14 involved in these depositions is also better served, the facilities for computer access,  
15 electronic device function, availability of the Special Masters, cell phone operation, and  
16 photocopy services are also readily available during the depositions.

17 Dated: February 14, 2012

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Hon. Steven J. Stone (ret.)  
Special Master

Dated: February 14, 2012

  
Hon. John K. Trotter (ret.)  
Special Master